

Applicant: K. Kitamura, et al.
U.S.S.N.: 10/041,068
RESPONSE TO OFFICE ACTION
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REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-19 are pending in the subject application.

Claims 1, 7, 8, 10, 17 and 18 stand rejected under 35 U.S.C. §103. Claims 2-6, 9, 11-16 and 19 were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form.

Claim 1 was canceled in the instant amendment without prejudice to prosecuting this claim in a continuing application. Claim 2 was re-written in independent form as suggested by the Examiner. Claims 7, 17, 18 and 19 were amended so each now depends from claim 2 to reflect the cancellation of claim 1. Claim 20 was added, which claim is basically claim 19 re-written in independent form. The amendments to the claims are supported by the originally filed disclosure.

The specification was objected to and correction required. The specification was amended to address the Examiner's objection(s). The amendments to the specification do not introduce new matter because they either are editorial in nature or are supported by the originally filed disclosure.

CLAIMS 2-6, 9, 11-16 & 19

In the above-referenced Office Action, claims 2-6, 9, 11-16 and 19 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office

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Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

Claim 2 was re-written in the foregoing amendment so as to be in independent form and to include all the limitations of the base claim there being no intervening claim(s). Accordingly, claim 2 is considered to be in allowable form.

As to claims 3-6, 9 and 11-16, these claims were not re-written in independent form as suggested by the Examiner. Applicants, however, reserve the right to later amend the subject application so as to present any one or more of these claims in independent form or to add one or more independent claims that contain the limitations of any one or more of claims 3-6, 9 and 11-16.

As to claim 19, this claim was not expressly re-written in independent form as suggested by the Examiner. Rather, added claim 20 was written so as to include all the limitations of the base claim (claim 1) and the limitations of claim 19 respectively. Accordingly, added claim 20 is considered to be in allowable form. As also indicated above, claim 19 was separately amended so that it now depends from claim 2.

35 U.S.C. §103 REJECTIONS

Claims 1, 7-8, 10, 17 and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Saimi et al. [USP 6,430,137; "Saimi"] for the reasons provided on pages 2-3 of the above-referenced Office Action. Applicants respectfully traverse as discussed below.

As indicated above, claim 1 was cancelled. As such, Applicants do not believe that the within rejection need be addressed further herein for this claim.

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As indicated above, each of claims 7, 17, 18 were amended so that each now depends from claim 2. As such, each of claims 7-8, 10, 17 and 18 are considered to be allowable at least because of their dependency from a base claim that is considered to be allowable.

It is respectfully submitted that for the foregoing reasons, claims 7-8, 10, 17 and 18 are patentable over the cited reference(s) and thus satisfy the requirements of 35 U.S.C. §103. As such, these claims are allowable.

SPECIFICATION OBJECTIONS

The Examiner objected to the specification of the subject application and requested correction thereof. The following addresses the specific objections of the Examiner.

More specifically, the Examiner objected to the TITLE as not being descriptive of the invention being claimed and requested correction. The TITLE has been amended in the instant amendment to address the Examiner's objections. As such, the TITLE, as amended, is considered acceptable.

It is respectfully submitted that for the foregoing reasons, the specification satisfies applicable Patent laws and rules and, therefore is considered acceptable.

OTHER MATTERS

Applicants filed an Information Disclosure Statement dated January 31, 2002 in the USPTO; this IDS pre-dates the above-referenced Office Action. Accordingly, Applicants respectfully request that the Examiner reflect their consideration of the IDS in the next official

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communication from the USPTO. Applicants also respectfully request the Examiner to call the undersigned collect and the below number in the event that this IDS has not been received by the Examiner and thus needs to be again submitted by Applicants for the Examiner's consideration.

It is respectfully submitted that the subject application is in a condition for allowance.

Early and favorable action is requested.

Although claims were added to the subject application, Applicants believes that additional fees are not required. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,
Edwards & Angell, LLP

Date: September 9, 2004

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